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THE
BISHOP of SALISBURY'S
AND THE
BISHOP of OXFORD'S
SPEECHES
IN THE
HOUSE of LORDS

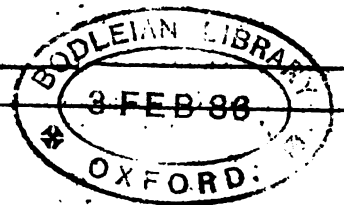
On the FIRST ARTICLE of IMPEACHMENT
OF

Dr. HENRY SACHEVERELL;

AND ALSO,

The Bishop of *Lincoln's* and Bishop of *Normwich's*
SPEECHES

At the Opening of the SECOND ARTICLE of the said
IMPEACHMENT.



L O N D O N :

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The Bishop of SALISBURY's Speech in the House of LORDS, &c.

THE Council for the Prisoner did so plainly and fully yield all that any Loyal Subject has ever pretended to, that in Cases of extreme Necessity, Self-defence and Resistance were Lawful, and that this was the Case at the Revolution; that it may not be necessary to say any thing further on this Head, if it had not been that the Evidence they brought seemed to carry this Matter much further, and that the Prisoner himself allow'd of no Exception, in Cases of Necessity. And since it is grown to be a vulgar Opinion, That by the Doctrine of the Church of England, all Resistance in any Case whatsoever, without Exception, is Condemn'd; I think it is incumbent on me, who have Examined this Matter long and carefully, to give you such a clear Account of this Point, as may as fully satisfy you as it did my self.

I served in the Revolution, and promoted it all I could. I served as Chaplain to the Late King: I had no Command, and carried no Arms, but I was so far engag'd in it, that if I could see that I had gone out of the Way in that (and the many Up and Downs we have gone thro' since, has given much Occasion to reflect on that Transaction) I should hold my self unworthy to appear longer, either in this Habit, or in this Great Assembly: But should think my self bound to pass away the rest of my Life in Retirement or Sorrow. There is nothing more certain in Religion, than that we ought to repent of every Sin we have committed; and that we cannot truly repent, unless we repair and restore as far as it is in our Power.

I go now to give you the Account of the Doctrine of our Church in this Particular. In the Times of Popery it was a Tenet, built upon Bishops setting the Crown on the Heads of Princes, and Anointing them, that they held their Crowns of the Church, and at the Pope's Mercy; who had for about 500 Years got into the Claim of deposing them, and giving their Dominions to others, in case they were Hereticks, or the Favourers of them. But the Reformation being in its first beginning protected by the Princes of Germany, by the Kings of the North, and then by the Kings of England; they came every where in Opposition to the Papal Notions, to say that Kings had their Power from God: Not that they meant, that they had any Distinct Authority besides the Law of the Land derived to them from God; but that by the Laws of God, the Authority of the Law of the Land, was secured to them. For when a different Authority from that of the Law came to be pretended to, and to be grounded on these general Expressions, that received here a Parliamentary Censure, and it was then declared that the Laws of Religion in the Scripture did only establish the several Constitutions and Governments that were in the different Parts of the World.

The Occasion that the Apostles had to write what we find in their Epistles, with relation to Government, was this; The Jews had a Notion among them from a Passage in *Deuteronomy*, that they were only to set a King over them, *One from among their Brethren, and not a Stranger*. From Whence it is, That to this Day they do not think they are bound in Conscience to Obey any Magistrate, who is not one of their Nation. Now the first Converts to Christianity being Jews, the Apostles took care that they should not bring this dangerous Notion with them into the Christian Religion: But they did not meddle to determine where this Authority was lodg'd, that was to be gather'd out of the several Consti-

tutions: They did not determine how much was due to the Emperor, and how much to the Senate: And tho' not long after those Epistles were writ, the Senate condemn'd Nero to dye *More Majorum*, to be whipt to Death; none of the Christians interposed in that Matter. He prevented that infamous Death by his own Hands: And the Primitive Christians reckon'd it one of the Articles of the Glory of their Religion, that their first Persecutor came to such an End.

Not long after that Trajan was fam'd for that memorable Expression, when he deliver'd the Sword to the Governors of the Provinces, as the Emblem of their Authority, he us'd these Words, *Pro me, si merear in me*; For me, but if I deserve it, against me. That did not weaken his Authority: His good Government with that of his Successors for above 80 Years, being the greatest and happiest time the Romans, had under their Emperors. This Word was put on King James the First's Coin in Scotland: It is true, that was during his Minority; but when he afterwards changed his Motto, the Coin was not call'd in, but continu'd Current till the Union.

The Primitive Christians had no Laws in their Favour, but many against them: So their patient suffering so many Persecutions according to the Laws of the Empire, under which they liv'd, was conform to the Doctrine laid down by the Apostles. When they came afterwards to have the Protection of Laws, they claim'd the Benefit of them, not without great Violence, when they thought an Infraction was made on those Laws: Which broke out into great Tumults, in many of the chief Cities of the Empire, not excepting the Imperial City it self.

But to proceed with the History of our Church: When the Articles of Religion were settled, the Books of the *Apocrypha* were indeed declar'd not to be a part of the Canon of the Scripture, but yet to be useful for the *Example of Life*, and the *Instruction of Manners*. A great part of these are the Books of the *Maccabees*, which contain the History of the Jews shaking off the Yoke of the Kings of Syria, when they were broke in upon by a total Overthrow of their whole Law, and an unrelenting Persecution. *Mattathias* a private Priest began the Resistance, which was carried on by his Children, till they shook off the Syrian Yoke, and formed themselves into a free Government, under the Family of the *Maccabees*. It were easie to shew that the Jews had been for above 400 Years subject, first to the *Babylonian*, then to the *Persian*, and at last to the *Grecian* Empire: So that by a long Prescription they were Subjects to the Kings of Syria. It were easie also to shew that this Resistance was foretold by *Daniel*, in Terms of high Commendation, and is also mention'd in the Epistle to the *Hebrews*, as the Work and Effect of their Faith. If then all Resistance to illegal and barbarous Persecution, is unlawful; these Books contain nothing but a History of a Rebellion, and all the Devotion that runs through them, is but a Cant, and instead of reading them as *Examples of Life*, and *Instruction of Manners*, we ought to tear them out of our Bibles with Detestation. I shall afterwards shew what use was made of these Books, not only by private Writers of our Church, but by what the whole Body in Convocation was about to determine.

The next Step to be made, is, to consider the Homilies: The Second Book of Homilies, which has the Homilies in it against *Wilful Rebellion*, is generally believed

believed to have been compos'd by Bishop *Jewell*, who was by much the best Writer in that time. It is certain, he understood the meaning of them well: Now I will read you two Passages out of his Defence of his Apology for the Church of England; from whence we may clearly gather what his Notion of Rebellion was, and that he thought a Defence against unjust and illegal Violence was not Rebellion. In one place he has these Words;

The Nobles of Scotland neither drew the Sword, nor attempted War against the Prince: They fought only the Continuance of God's undoubted Truths, and the Defence of their own Lives against your barbarous and cruel Invasions: They remember'd, besides all other Warnings, your late Dealings at Vassy, where great Numbers of their Brethren were murder'd, being together at their Prayers in the Church, holding up their Innocent Hands to Heaven, and calling upon God. In another place he writes, Neither do any of all these (Luther Melancthon) teach the People to rebel against their Prince: But only to defend themselves by all lawful Means against Oppressions, as did David against Saul, so do the Nobles in France at this Day, they seek not to kill, but to save their own Lives.

These Passages shew that he looked on Rebellion to be a violent Rising against a Prince executing the Laws, which was the Case of the Three Rebellions in England that they had in view: That in *K. Henry the VIIIth's*, in *K. Edward's*, and in *Q. Elizabeth's* Time, where the Papists took Arms against their Prince, who was executing Laws made in Matters of Religion, and that with a great Gentleness. Of the Eleven Passages quoted by the Prisoner out of the Homilies, Five plainly relate only to the Coercing the Person of the Prince, in which *David* is set in Opposition to those Rebels now, tho' he indeed defended himself, yet he had a just and sacred Tenderness to the Person of *Saul*, when he had him in his Power, which is certainly Sacred by our Constitution. Five of them relate to Wicked Princes. It was never pretended by any who pleaded for Necessary Defence, that the bad Life of a Prince can be a just Cause of Resistance: Yet that was then pretended; for *K. Henry VIII.* had given too much occasion to reckon him a Wicked Prince. So there is only one of all the Passages quoted from those Homilies, that relates simply to Rebellion in general: And it has appear'd what Bishop *Jewell's* Sense of the Matter was. There is also a Prayer at the end of every Division of the Homily against *Wilful Rebellion*, (and by the way *Wilful* was not put in the Title for nothing) for those oppress'd by Tyranny in other Parts, that they might be relieved, and that those who were in fear of their Cruelty might be comforted.

Let us next look thro' *Q. Elizabeth's* Long and Glorious Reign, and see what was the constant Maxim of that time.

The Year after the Queen came to the Crown, the War in *Scotland* broke out between the Queen Regent that Govern'd by Commission, from her Daughter then Queen of *France*, and the Lords in *Scotland*. She, to obtain the Matrimonial Crown to be sent to *Frances* the II^d. gave Assurances for the Exercise of the Reformed Religion; but that Point being gain'd, she broke all her Promises, and resolved to force them to return to the Exercises of the Popish Religion: Upon which the Lords of *Scotland* formed themselves into a Body, and were called the Lords of the Congregation. Forces were sent from *France* to assist the Queen Regent; upon that *Q. Elizabeth* entred into an Agreement with the *Scottish* Lords, and sent an Army to their Assistance, which continued in *Scotland* till all Matters were settled by the Pacification of *Leith*: And in a Manifesto, that I have in my Hands, set forth 25 Years after that, I find Her reflecting on that Interposition in the Affairs of that Nation, with great Satisfaction.

The Year after this War was ended, upon *Frances* the II^{d's Death, *Charles* the IXth, who was a Child,}

succeeded in *France*. Edicts were granted in favour of the Protestants: These were soon after broken by the Triumvirat, and upon that follow'd a Series of Wars often pacified, but always breaking out again, by reason of the Violence and Cruelty of the Government. All these Wars, till *Henry* the IVth was settled on the Throne, were in a Course of 28. Years, that which some would call *Rebellion*, being carried on against two succeeding Kings. Yet the Queen was in all that time still assisting them with Men and Money.

In the Year 1568. the Provinces in the *Netherlands* threw off the *Spanish* Yoke, that was become intollerably severe and cruel. The Queen for some Years assisted them more covertly, but when the Prince of *Orange* was kill'd, and they were in danger to be over-run, she took them more openly into her Protection; and by the Manifesto which I have in my Hands, She published the Grounds upon which She proceeded: She laid down this for a Foundation, That there had been an Ancient League not only between the Crown of *England*, and the Princes of the *Netherlands*, but between the Subjects of both Countries, under their Seals interchangeably, for all Friendly Offices. If this was a good Reason for the Queen's giving Aid to the Oppress'd People of the *Netherlands*, then if the Case had been reversed, that the People of *England* had been illegally and cruelly oppress'd, it furnished the Princes of those Provinces with as good a Reason for assisting them. In this Assistance given the States, the Queen persisted till the End of Her Reign; nor was this only done by the Court, but both Parliaments and Convocations granted Her several Aids to maintain these Wars: And in the Preambles of those Subsidy Acts, the Queen's Proceedings in those Particulars were highly approv'd and magnify'd. *Bishop* of *Winchester*, and several other Writers in that time, justified what she did; and not one that I ever heard of censured or condemned it.

Upon King *James's* coming to the Crown, the first great Negotiation was for a Peace between *Spain* and the *United Provinces*; which lasted several Years. The States insisted on a Preliminary, That they should be Acknowledged Free, Sovereign, and Independent States; the *Spaniards* would not yield to this, nor would the States recede from it. Some here in *England* began to say, They were Form'd in Rebellion, and ought not to carry their Pretensions too far: Upon that, King *James* suffer'd a Convocation to meet; and a Book of Canons, with relation to the Supreme Authority, was prepar'd; in which, tho' the Authority of the Prince, even when he becomes a Tyrant, is carried very far; yet the Case of the *Maccabees* is Stated; and, it was determined, That when a new Government, tho' begun in a Revolt, is come to a thorough Settlement, it may be owned as Lawful. King *James*, who was jealous enough of the Regal Authority, yet did not like their carrying these Matters so far: He order'd the whole Matter to be let fall so entirely, that there is not a Word of it in the Books of Convocation: But Archbishop *Sancroft* found this Collection of Canons at *Durham*, under Dr. *Overall's* Hand, which he Copied out, and Licensed the Book a few Days before he fell under his Suspension. I soon saw that it had a Relation to the Affairs in *Holland*: For the *Dutch* delighted to compare their first Beginnings to that of the *Jews* in *Antiochus's* time: They compared King *Philip* to *Antiochus Epiphanes*, and the Prince of *Orange* to *Judas Maccabaeus*. But I saw much clearer into the Matter by an Original Letter of King *James*, which a worthy Gentleman sent me. I knew his Hand well, the Letter is in Print; but I will read some particulars out of it. It is Directed to Dr. *Abbot*, afterwards Archbishop of *Canterbury*. It begun with Censuring some Positions concerning a King in Possession, the same with our Modern Term of a King *de facto*: He goes on in these Words, *My Reason of calling you together, was to give your Judgments, how far a Christian and a Protestant King, may concur to Assist his*

Neighbours to shake off their Obedience to their own Sovereign, upon the Account of Oppression, Tyranny, or what else you like to name it. In the late Queen's Time, this Kingdom was very free in Assisting the Hollanders both with Arms and Advice; and none of your Coats ever told me, that any scrupled about it in her Reign. Upon my coming to England, you may know, it came from some of your selves to raise scruples about this Matter; yet I never took any notice of these scruples, till the Affairs of Spain and Holland forced me to it. I call'd my Clergy together, to satisfy not so much me, as the World about us, of the Justness of my opening the Hollanders at this time. Thus I needed not to have done, and you have forced me to say, I wish I had not. He reflects on those, who had a great Aversion to the Notion of God's being the Author of Sin, which plainly Points at Dr. Overall, who was the first Man of Note among us, that Opposed the Calvinists Doctrine of Predestination; yet he says, They had gone to the Threshold of it, by saying, That even Tyranny was God's Authority, and should be Reverenced as such. He concludes, These were edg'd Tools, and that therefore they were to let them rest. Here is a full Account of King James's Thoughts of this Matter, which was then the chief Subject of Discourse all Europe over. He had Twelve Years before this, shewed on an Eminent Occasion, that he owned the States, when he Invited them in the Year 1593. to Christen his Eldest Son, Prince Henry. They were sensible of the great Honour done them by it; and tho' they were then but Low, they sent an Embassy, with a noble Present of Gold Plate, to Assist on that Occasion. This Negotiation stuck for several Years, the Spaniards refusing to own them in express Words: The Temper found was, they were treated with (*samquam*) as with Free States; and the Matter went no further at that time, than a Truce for some Years, which was Concluded in the Year 1609. This lets us see, That the Words in King James's Speech that Year to his Parliament, were not chance Words that fell carelessly from him, *A King leaves to be a King, and degenerates into a Tyrant, as soon as he leaves off to Govern by Law: In which case the King's Conscience may speak to him, as the poor Woman to Philip of Macedon, Either Govern by Law, or cease to be a King.*

There is another eminent Instance towards the End of that Reign, that shews what the Sense of our best Divines was in this Matter: When the Archbishop of York's Son and Mr. Wadsworth had changed their Religion in Spain, Wadsworth writ over a bold Defence of that; and among other Things, Charged the Reformation with Rebellion. This was Answer'd by one of the best Books of that Time, writ by Dr. Bedell, Dedicated to the Prince of Wales; who afterwards Promoted him to a Bishoprick. His Words on this Head are full: I will read some of them. *Do you think Subjects are bound to give their Throats to be cut by their Fellow-subjects, or to their Prince, at their mere Wills, against their own Laws and Edicts? You would know quo jure the Protestants Wars in France and Holland, are justified. First, The Law of Nature, which not only alloweth, but inclineth and inforceth every living Thing to defend it self from Violence. Secondly, That of Nations, which permitteth those who are in the Protection of others, to whom they owe no more than an honourable Acknowledgment, in case they go about to make themselves absolute Sovereigns, and to usurp their Liberty, to Resist and Stand for the same. And if a Lawful Prince, who is not yet Lord of his Subjects Lives and Goods, shall attempt to despoil them of the same, under colour of reducing them to his own Religion, after all humble Remonstrances, they may stand upon their own guard, and being assailed, resist Force with Force, as did the Maccabees under Antiochus. In which case notwithstanding, the Person of the Prince himself ought always to be Sacred and Inviolable, as was Saul to David. No Commentary is wanted here,*

My Lords, You see how this Matter stood during King James's Reign. In the first Year of King Charles's Reign, Grotius's Book *de Jure Belli & Pacis*, was Pub-

lish'd at Paris, Dedicated to the King of France, while France was under the Administration of the wisest and most jealous Minister of the last Age, Cardinal Richelieu. In that Book, in which he asserts the Rights of Princes with great Zeal, yet he enumerates many Cases, in which it is Lawful to Resist, particularly that of a total Subversion: And that Book is now all Europe over in the highest Reputation of any Book that the Modern Ages have produced. In the Beginning of King Charles's Reign, a War broke out in France, against the Protestants; upon which he sent over Ambassadors, by whose Mediation a Peace was Concluded; but that being ill kept, the War broke out again; and the King thought himself Bound by his Mediation to Protect the Protestants. So in the Second Session of the Parliament 1628. In the Demand of a Supply that the Lord Keeper Coventry made in the King's Name, these Words are to be found, *France is sway'd by the Popish Faction; and tho' by his Majesties Mediation, there were Articles of Agreement between that King and his Subjects, that Treaty hath been broke, and those of the Reformed Religion will be ruined without present Help.* Upon this the Commons petitioned the King for a Fast, and desired the Concurrence of the Lords, who join'd with them in it. The King granted it, and an Office was Compos'd suitable to the Occasion; in which among other Devotions, the Nation was directed to pray for all those, who here or else-where were fighting God's Battels and Defending his Altars. Thus the whole Body of the Legislature did concur for a Fast for that, which if this Doctrine is true, was no better than Rebellion; and yet the whole Nation, Clergy and Laity were requir'd to Pray for Success in it.

But to compleat this View of the Doctrine of our Church, it is to be consider'd, That when a Year before this, while the Loan or Benevolence were carried on, some officious Divines made use of those Expressions of Kings having their Power from God, as importing an Authority of a Nature Superior to the Laws of the Land. One of these, Dr. Manwaring, was impeached, and had a severe Sentence pass'd on him for it. So I have now made it out, beyond I hope the possibility of Contradiction, that for 70 Years together, from 1558, to 1628, the Lawfulness of Self-defence in the Case of Illegal and Violent Cruelty, was the Publick and Constant Doctrine of this Church.

These were the best and happiest times of our Church; as is often repeated by the Earl of Clarendon: From these we ought to take the Standard of our Doctrine.

I go next to shew what was the common Doctrine for the next 60 Years, from 1628, to 1688. I must yield up the first twelve Years: For upon the unhappy Misunderstanding between the King and that Parliament, there was a long discontinuance of Parliaments, then the lately Condemned Doctrine was again in Vogue; and nothing was so much heard of, as the Law of Government that was from God, Antecedent to all human Laws: Out of this sprung illegal Imprisonments, illegal Monopolies, severe Proceedings in the Star-Chamber, but above all, the Ship-Money. These things put the Nation in an Universal dis-jointing and feebleness. And when an unavoidable necessity forced that King to call a Parliament, the fatal Effects of those Councils broke out terribly. I know many fancy, that the War is to be charged on the Principles of Self-defence: They are much mistaken. I had occasion to see a great way into the Secret of that time, when I examin'd the Papers relating to the two Dukes of Hamilton. I knew a great deal more since from two Persons of unquestionable Integrity, who knew the Secrets of that time, the Lord Hollis, and Sir Harbottle Grimstone; but all receiv'd a full Confirmation, when I found it agreed perfectly with the noble Account given by the Earl of Clarendon.

No Body dreamt of a War, nor had they any Principles leading to it. But there was an unhappy Train of Accidents that hindred Matters from being brought to a Settlement, even while the King was granting all they could desire. Stories were carried by Persons about both

both the King and Queen, of words let fall, that made them conclude, there were still ill Designs on foot, against the Laws that were then passed. But that which brought all to a Crisis, was the Discovery of a Negotiation, to engage the Army to Declare against the Parliament. Whosoever compares the Depositions in *Rushworth*, with the Account given of that Matter by the Earl of *Clarendon*, will see there is a great deal more in the one, than the other is willing to believe; tho' he acknowledges they had both *Goring's* Evidence, and *Piercy's* Letter with them. I will not take it upon me to determine, whether they believ'd too much, or the Earl of *Clarendon* too little. It is certain, they believed all that was in the Depositions, and a great deal more: For *Goring* being continued in the Government of *Perismouth*, and his Father being advanced from being a Baron to be an Earl, and *Piercy's* being made a Lord, and Master of the Horse to the P. of *Wales*, made them conclude they had suppressed a great deal, instead of saying more than was true. This stuck deep in their Hearts, and at last fatally broke out in the Demand of the Militia, that brought on the War, which I do own was plainly a *Rebellion*, because a Force was offer'd to the King, not to defend themselves from an unjust Invasion, or illegal Grievances, but to extort a new Law from him.

Thus the true Occasion of the War, was a Jealousie, that a Conduct of 15 Years had given too much ground for; and that was still unhappily kept up, by a fatal Train of Errors in every step that was made. The great Concussion that the War gave the Nation, and the barbarous Effusion of so much Blood, especially of the Royal Blood of that Blessed KING, had at last a happy, tho' a late Conclusion in the *Restoration*: And it's no wonder, if such a Series of Tragical Events, begot a general Horror at the Occasion of them. But then it was, that had it not been for the Firmness of the Earl of *Clarendon* to his *English* Principles, the Liberties of the Nation had been deliver'd up.

It is to his Memory, that we owe our being a free People; for he with his two great Friends, the Duke of *Ormond*, and the Earl of *Southampton*, check'd the forwardness of some who were desirous to load the Crown with Privilege and Revenue. He stop'd all this, which being afterwards odiously represented, brought on him that great and lasting, but honourable Disgrace. The Earl of *Southampton*, whose Death went a little before his Fall, and perhaps hastned it the sooner, said to many about him, that he was a true Protestant, and an honest *English-man*; and that the Nation would feel the Effects of his being removed, whensoever it might happen.

That Lord, in the great Settlement after the Restoration, would carry things no farther, than to repeal what had been extorted by the Tumults; and in the matter of the Militia-Act, and the Oaths relating to it, all was more cautiously worded, than is commonly understood. To the Word *Commission'd by the King*, some indeed moved, that the word *Lawfully* might be added, to make all plain. This was press'd in the House of Commons by *Kaughan*, afterward Lord Chief Justice of the Common-Pleas. The Attorney General, afterwards Lord Chancellor of *Nottingham*, answer'd, That was not necessary; for the word *Commission*, import'd it; since, if it was not Lawfully issued out, to Lawful Persons, and for a Lawful Reason, it was no *Commission*; and the whole House assented to this; yet in the House of Lords, the same word *Lawfully* was press'd to be added by the Earl of *Southampton*, who was answer'd by the Earl of *Anglesey* to the same purpose, with what had been said in the House of Commons. He indeed insisted to have the word added, because it would clear all Difficulties with many, who not having heard of the Sense given in both Houses, might fancy, that any sort of *Commission* being granted, it would not be Lawful to resist it. He did not prevail; for it was said, That this Explanation being the Sense of both Houses, it would

be soon spread and known over the Nation. In this Sense, it is certain, that it is not Lawful to take Arms against any so Commission'd by the King; for that were to take Arms against the King's Commission in the Execution of the Law, which is certainly a resisting the Ordinance of God, which whosoever do, they shall receive to themselves damnation.

It was no wonder, if after such a War, the Doctrine of *Non-Resistance* was preach'd and press'd with more than ordinary Warmth, and without any Exceptions; yet some still kept these in view; so did both Dr. *Falkner* and my self; and I know many others had them always in their Thoughts, tho' they did not think it necessary to mention them.

I found the ill effects; that the carrying this Matter so far, had on the Mind of that Unfortunate Prince, King *James*; for in the Year 1673, when he was pleas'd to admit me to much free Conversation with him, among many other things, I told him, it was impossible for him to Reign in quiet in this Nation, being of that Religion; he answer'd me quick, Does not the Church of *England* maintain the Doctrine of *Non-Resistance* and *Passive Obedience*? I begg'd of him not to depend on that; for there was a distinction in that matter, that would be found out when Men thought they needed it. I now come to tell your Lordships, how right I judged. —

It is true, they pass'd a very pompous Decree at *Oxford* 1683. but you shall hear how long they stood to it. In Summer, 1686, the Prince of *Orange* was pleas'd to receive me into his Service with a particular Confidence. Soon after the Ecclesiastical Commission was set up; and upon some Proceedings before that Board, he was desir'd from *England* to break with King *James* upon that Head. I oppos'd this, and said, I was convinced, that Commission was against Law, and would have ill effects, but it did not strike at the whole. This was more warmly press'd upon the Proceedings against *Magdalene College*. I still stood to my ground; and told both Prince and Princess, That if a Breach should follow on these Matters, I could not serve. When indeed the Declaration was publish'd a second time, with a Resolution to have it carried through; and that many Laws were dispens'd with at pleasure; and Persons who were under legal Disabilities, were made Judges, Sheriffs and Magistrates; all whose Actings were so many Nullities? Then I thought here was a total Subversion of our Constitution; which from being a Legal one, was made precarious, subject to mere Will and Pleasure. So I was ready to serve in the Revolution.

Some Days after we came to *Exeter*, Sir *Edward Seymour* came thither; and he presently sent for me: When I came to him, he asked me, Why were we a Rope of Sand, and had not an Association? I said, Because we had not yet a Man of his Weight to begin the Motion: He said, If we had not one by to Morrow, he would leave us before Night. I presently saw a Noble Duke now in my Eye, and acquainted him with this; He went to the Prince, who approving of it, an Association was prepar'd, and laid on the Table next Morning; and was after that Signed by all who came to wait on the Prince. Three days after we left *Exeter*, a Head of a College came to the Prince, to invite him to come to *Oxford*, assuring him, that the University would declare for him. He went as near it as *Abingdon*, but then the sudden Turn of Affairs at *London* obliging him to hast up, the Association was sent thither, and was Signed by the Heads of the Colleges, and many others there; some doing it in a particular Warmth of Expression, and saying, That their Hearts, as well as their Hands, went with it. Upon what Disappointments of other Views, I cannot tell, this Contradiction to their former Decree, five Year after it was made, seem'd to take another Turn back to it again; and the Notion of a King *de facto*, which is but a softer Word for an Usurper, came in Vogue.

The Parliament, to prevent the ill Effects of that, studied to secure the Government, *First*, by an Association, and then by an Abjuration. I, who was always against every thing that might break in upon Conscience, was for making these only voluntary; but they were Enacted, and they were generally taken. A Noble Lord on the Earls Bench, procur'd me the Sight of a Letter, that went about to persuade the taking the Abjuration, that he had from a place where he believed it had its Effect; where I found this Distinction, That the Abjuring any Right whatsoever that the Pretender might claim, was only meant of a Legal Right, and that it had no Relation to *Birth-Right*, or to *Divine Right*. This agreed, with a Report that went then current, That a Person, in a great Post, sent a Message to an Honourable Gentleman, who would not take the Abjuration, that if he had an half Hours Discourse with him, he doubred not to be able to convince him, that he might take the Abjuration, without departing from any of his Principles. Towards the End of the last Reign, a bold Attempt was made on the King's Supremacy, by an incendiary, who is supposed to have no small Share in this Matter now before your Lordships: But the Attack on the Supremacy being liable to a *Premunire*, it was turn'd with much Malice, and manag'd with great Prevarication against the Bishops, who adhered firmly to their Duty to the King. How great a Disjoining that has brought on this Church, is too visible all the Nation over, and it tends to carry on the wicked Design of distracting the Church, and undermining the Government.

By the time the Queen was on the Throne, or soon after, the *Rehearsal* began to be spread over the Nation, two of them a Week, which continu'd for severall Years together, to be Publish'd without Check or Controul; It was all thro' one Argument against the Queen's Right to the Crown; that, tho' it was diversified with Incidents and Digressions, was kept always in View. The Clergy were in many Places drawn into Subscriptions for this Paper. This look'd like a Design long conniv'd at, to have the Queen's Title undermin'd: Besides this, we had a Swarm of Pamphlets every Year to the same Purpose, and, as was believed, writ by the same Hand. One fold at the Door of the House, with the Title of *King William's Exorbitant Grants*, did plainly call him an Usurper; and starting an Objection against the Queen's possessing the Throne, gave it this Answer, That she did well to keep it till she could deliver it up to the Righteous Heir. At that time there was quick Prosecution of a Paper publish'd, with the Title of *The Shortest Way with the Dissenters*; and upon that, I brought that Pamphlet to a great Minister, and offer'd to shew him this Passage in it, to see if there should be a Prosecution of this Order'd. He turned from me; so whether he heard me or not, I cannot tell: I am sure, if he says he did not, I will believe him. No Prosecution follow'd, and the *Rehearsal* went on. The Clergy in many Places, met at a Coffee-House on *Saturdays*, to Read the *Rehearsals* of the Week, which had very ill Effects in most Places. I know it may be said, That the Queen's Learned Council ought to have look'd after these things: But we all know, that they stay till they receive Orders from the Ministry. The Course of that Treasonable Paper has been now for some time stop'd, so we see there is some Change in the Ministry.

But to compleat the Insolence of the Enemies of the Queen and of the Protestant Succession; they had the Impudence to give it out, That the Queen secretly favour'd them: And as this, we all know, has been long whisper'd about among us, so it was more boldly given out in *Scotland*, which oblig'd one of the Queen's Ministers in that Parliament, in a Speech that was Printed, to contradict this treasonable and dishonourable Suggestion, that as some Divines would have it, that there was in God a Secret, as well as a Reveal'd Will, and that these might be contrary to one another; so they

would fasten an Imputation on the Queen, that while she reveal'd her Will one way, she had a secret Will another way; which he solemnly affirmed to be false, and highly Injurious to the Queen.

While the Pamphlets and these Reports were thus set about, Mr. *Headly* thought that it became him to assert the Queen's Title, by justifying the Revolution, out of which it rises. But what an Outcry was rais'd on this, that one durst disturb the Progress of a wicked Opinion, that was visibly design'd to overturn the Government: And yet he asserted nothing, but what the Council for the Prisoner did all fully and plainly own, That in the Cases of extream Necessity, an Exception to the Doctrine was to be admitted, and that that was the Case at the Revolution.

But as these Notions have been long let run among us; so they have appeared in a most violent and unguarded Manner, ever since the Attempt of the Pretender, and more of late, since the Preliminaries upon the Overtures for a Peace, seem to extinguish their Hopes. What Sermons on this Head are preach'd in this City, at Assizes, at *Bath*, and at many Cathedrals? Furious Men fit themselves with some hot Sermons, which they carry about from place to place, to poison the Nation. This has not only the visible Effect designed by it, of shaking many in their Allegiance to the Queen, and in their adhering to the Protestant Succession; but it has a curst Effect on many others, on whom this their Design does not succeed.

I am very sensible there is a great deal of Impiety and Infidelity now spread thro' the Nation: This gives every good Mind all possible Horror; but I must tell your Lordships, on what a great Part of it is founded; for since my Conversation with *Wilmot*, Earl of *Rocheester*, I have had many Occasions to discourse with Persons tainted with those wicked Principles, and I do affirm it, that the greatest Prejudice these Persons have at Religion, at the Clergy, and at the Publick Worship of God, is this, that they say, They see Clergy-men take Oaths, and use all Prayers, both Ordinary and Extraordinary for the Government, and yet in their Actings and Discourses, and of late in their Sermons, they shew visibly that they look another way; from whence they conclude, They are a Mercenary Sort of People without Conscience.

I hope there are not many that are so corrupted and so scandalous: I am sure I know a great many that are far otherwise, who Preach, Speak and Act as they Swear and Pray; but those who act in another way, are Noise and Impudent, and so bring an Imputation on the whole Body; and unless an effectual Stop is put to this Distemper, it is not possible to foresee all the ill Consequences that may follow upon it.

I have, I am afraid, wearied your Lordships; but I thought it was necessary, once for all, to enlarge copiously on this Argument: And now to come close to the Article, and the Sermon, for I meddle not at all with the Person of the Man; Whatever general Expressions might very well have been used, in setting forth *Passive Obedience* and *Non-Resistance* before the Revolution, because odious Cases ought not to be supposed, and therefore are not to be named; yet since *Resistance* was used in the Revolution, and that the late King invited all the Subjects to join with him, which was in them certainly Resistance; and since the Lawfulness of the Revolution is so much controverted, the condemning all *Resistance* in such crude and general Terms, is certainly a Condemning the Revolution: And this is further aggravated from those Limitations on our Obedience, in an Act pass'd soon after the Revolution, by which, in Case our Princes turn *Papists*, or marry *Papists*, the Subjects are in express Words, discharg'd from their Allegiance to them. Certainly this puts an End to the Notion of *Non-Resistance* in any Case, or on any Pretence whatsoever: For these Reasons, I think the first Article of this Imprachment, is both well grounded, and fully made out.

THE
Bishop of OXFORD's
S P E E C H
IN THE
HOUSE of LORDS,

On the First Article of the Impeachment of
Dr. HENRY SACHEVERELL.

My Lords,

SOME of this Bench are necessarily call'd up, by Words which fell from the Noble Lord who spake third in this Debate, who was pleas'd to mention among other strange Things, *Bishops voting contrary to their Doctrines*. The Opinions of several of the Reverend Prelates have been read before your Lordships in *Westminster-Hall*: They were first quoted by the Counsel for the Defendant, and by their Order read in such a partial and unfair manner, that if I may be allow'd to use any other Author after the same way, to take a naked Proposition out of his Book, and not consider the Coherence or Dependence of the Words how it may be explain'd or limited in other Places, to read just so far as may serve my Purpose, and stop when any thing follows that may set the Matter in a just Light, I dare undertake to make any Author speak on which-ever side of the Question I please.

But the *Managers* for the Honourable House of Commons did Justice to those Reverend Prelates by obliging the *Clerk* to read other Passages in their Books, which clearly explain'd their Opinions; and so the only Purpose that was eventually serv'd by producing those Quotations, was that which I fear was not intended, the vindicating those Reverend Prelates from the uncharitable Imputation of having asserted a *Doctrine* in their *Writings* which they had contradicted by their Practices, in relation to the Revolution and the Government founded upon it.

I hope to be able to reconcile the Vote which I shall give, with the Opinion which I have always been of, and which having not been produced below, I stand up to give it your Lordships here, being far from censuring, far from entertaining the least disrespectful Thought of any that shall differ in Opinion from me.

I own the Subject now in debate, is a matter of great Consequence, and of great Nicety and Tenderness; and that he, who should presume to entertain your Lordships upon it, ought to be better qualified, and better prepar'd than I am in other Respects, but I will give place to none in those that follow, *viz.* in delivering my self with that Respect and Deference which is due to this House, that humble Diffidence which becomes a just Consciousness of my own Weakness, and that Plainness and Sincerity which becomes that Character, which however unworthy of it, I have the Honour to bear; and then I am sure I may depend upon your Lordships known Candor, Honour and Justice, that if any thing should fall from me less correct, or less guarded than it ought to be, it shall receive the most favourable Construction that it is capable of.

Before I deliver my Opinion, I beg leave briefly to state the Question, and in order to that to lay down Two Premises.

1. That Government in general, was in its original Institution, design'd for the good of the whole Body; Men were not form'd into Societies, only to be the Subjects of the arbitrary Wills, the slavish Instruments in the gratifying the Ambitious or other corrupt Designs, of any one or more Men; but for the Safety and Prosperity of the whole Community.

2. That in the Holy Scriptures (as far as I can find) there is no Specification of any one particular Form of Government to which all Nations and Bodies of Men, in all

all Times and Places ought to be subject; nor are there such exact Accounts of the extent of the Power of the Governour or Obedience and Submission of the Governed, as can reach to all Cases that may possibly happen.

There are many general Precepts requiring the Obedience and Submission of Subjects to their Governors: *Let every Soul be subject to the Higher Powers; You must needs be subject not only for Wrath, but also for Conscience-sake; He that resists, resists the Ordinance of God; And submit your selves to every human Constitution for the Lord's sake, &c.*

But yet these Scriptures do not tell us how far we must obey and be Subject, nor do they necessarily imply that there can never be any Cases wherein we may not obey and not be subject, but resist; because there are other Places in Scripture, where other Duties are required in Terms as large and general as these; nay in universal Terms, which yet must admit of Exceptions.

Some of the most zealous Contenders for the absolute Power of the Prince, and unconditional Submission of the Subject, found themselves very much upon the Fifth Commandment, *Honour Thy Father and Mother*, which they expound as comprehending Political as well as natural Parents, and I do not gain-say it: But then pray, my Lords, let us see in what Terms the Duty of Children to their natural Parents is required in Scripture: *Children*, says the Apostle, *obey your Parents in all Things*; This Expression is surely universal enough; and from hence according to some Mens Reasoning, it must follow, if Children must obey their Parents in all Things, then they may resist in none.

But will any Body say, that notwithstanding the Universality of this Precept, there may not be some Exceptions and Limitations understood, both as to the *active* and *passive* Part of the Child's Obedience? As to the *Active*, no one will deny, but the Command must be restrain'd to *Licita & Honeſta*; they are not to obey in all Things absolutely, but in all Things that are Lawful and Honest.

And as to the *Passive* Part of the Child's Obedience, the Submission or Non-resistance requir'd, permit me to put a Case. Suppose a Parent in a *Phrenzy*, in a fit of *Drunkenness* or *Passion*, draws his Sword and attempts to kill his innocent Son, and the Son has no way to escape from him; is he oblig'd by this Duty of *not Resisting*, to stand still and let his Father sheath his Sword in his *Bowels*? May he not, tho' he must still have a care of his Father's Life, defend his own? May he not put by the Pass, grapple with his Father, and disarm him if he can? My Lords, surely he may; That prime Law of Nature, of *Self-Preservation*, will justify him in it: And then why may not the same Law of *Self-Preservation* justify the Political Child, the Body of the People, in defending their political Life, i. e. their *Constitution*, against plain and avow'd Attempts of the political Parent utterly to destroy it? And it is upon this Point only that I shall state the Question.

I do allow, that in all Governments whatsoever there is an absolute Power lodg'd somewhere. With us, as I humbly conceive, that Power is lodg'd in the Legislature; for which I have the Authority of a great Politician and Statesman, Sir Thomas Smith, who was Secretary of State to two Princes, K. Edw. 6. and Q. Eliz. who in his Book, *De Republica Angl.* a Book seen and allow'd as is said in the Title Page, in that Chapter where he treats of our Parliaments and the Authority thereof, lays down this Assertion, "The most high and absolute Power of the Realm of England consisteth in the Parliament; and giving particular Instances of that Power, among others mentions this, "That the Parliament gives Forms of Succession to the Crown."

The Executive Power with us is lodg'd with the Prince; and I do readily allow that the Prince so vested with the Executive Power, and all others lawfully commission'd by him, acting according to their Commission, and within those Laws, with the Execution whereof he and they are respectively trusted, are irresistible: The Person of the Prince is always inviolable: No personal Faults in him; no Injuries to particular Persons, where they can have no Redress by Law, as in several Cases they may have; no general *Maladministration*, whereby the Publick may be greatly hurt, can justify any forcible Resistance of his Subjects; nor any thing less than a total Subversion of the Constitution.

But if in a legal Monarchy, where such Laws have been enacted by common consent of Prince and People, as are to be the Measures of his Government as well as of their Obedience, that limit his Power as well as secure their Rights and Properties, the Prince shall change this Form of Government into an absolute Tyranny, set aside those Laws, and set up an *Arbitrary Will* in the room of them; When the Case is plain, and when all Applications and Attempts of other Kinds prove unsuccessful; If then the Nobles and Commons join together in Defence of their *Ancient Constitution, Government and Laws*, I cannot call them Rebels, Allow me, my Lords, to lay before you a few Things in maintainance of what I have advanced. And,

1. I would humbly offer some Facts, which I allow do not directly prove what I have said to be true, but they do prove it to have been the Opinion of our Princes, Parliaments, Clergy and People in the Reigns of those three great Princes, Q. Elizabeth, K. James and K. Charles I. I mean the *Assistances* which those Princes gave to the Subjects of other Coun-

Countries that were resisting their respective Princes; and to enable them to do so, they had *Subsidies* given them in *Parliament* and *Convocation* —, and there were Prayers compos'd and used for the Success of their Arms.

Surely, my Lords, if those *Princes, Parliaments, Clergy* and *People* had been of Opinion, that the *Resistance* of Subjects against their Princes, was in no Case lawful, but always damnable *Rebellion*; they would never by aiding and assisting such *Rebels* have involved themselves in the Guilt, and expos'd themselves to the dangerous Consequences of such a Sin. I mention not the particular Stories, because they are better known to your Lordships than to me, and because I doubt not but in the Course of this Debate, some Lord or other will give a larger *Account* of them; but I cannot forbear observing one thing relating to that Assistance, which that pious Prince, and now glorious Saint in Heaven, K. Charles I. gave to the *Rochemellers*, who were surely the Subjects of the King of France; he order'd a *Fast* by *Proclamation*, and appointed a *Form of Prayer* to be drawn up for the imploring of God's Blessing. It is highly probable that Bishop *Laud* had the great Hand in composing those Prayers, he being then Bp. of *London*, and in great Favour, and the Arch-bishop of *Canterbury*, *Abbot*, at that time in Disgrace. But whoever compos'd them, I beg leave to read part of one of the *Collects* in that Office. "O Lord God of Hosts, that givest Victory in the Day of Battle, and Deliverance in the time of Trouble, We beseech thee to strengthen the Hands, and encourage the Hearts of thy Servants in fighting thy Battles and defending thy Altars that are among us, and in all the reformed Churches. It seems the reformed Churches were thought to have God's Altars among them then, however they have been villify'd since. But that which I would observe from this Passage is this, That neither that excellent King who commanded those Prayers to be composed, nor the Bishops who compos'd them, nor the Clergy and People who us'd and join'd in them, could in so solemn a manner have recommended those Forces to the Divine Protection and Favour, and as such as were fighting God's Battles, if they had thought they were fighting against God in his *Vice-gerent*, and as defending his Altars if they believed they were resisting his Ordinance.

2. I could produce several Authorities in support of what I have laid down, but I shall mention but one; It is in a book written professedly on this Subject, and the Passage I shall quote comes home in Point to the Matter in Hand; the Book was written in Q. Elizabeth's Time; every one that is acquainted with the History of Her Reign knows what Attempts were made by the Pope and his Party against her Government and Life, by Excommunicating, deposing her, absolving her Subjects from their *Allegiance*, by raising Tumults and Insurrections, by Dagger, Poyson and what not: And 'tis certain, that they were these wicked Practices of the Pope and his Followers, and the Doctrines by which they justify'd them, that the Compilers of the *Homilies* which were then made, and other Authors who then wrote about the Power of the Prince and the Duty of the Subject, had principally in their View: The Book I mean, is intitled, *The true Difference between Christian Subjection and Unchristian Rebellion*. It is written by way of Dialogue between a Christian, whom the Author calls *Theophilus*, and a Jesuit whom he calls *Philander*. I beg leave to read a Quotation out of it. *Theophilus* the Christian says, I busy not my self in other Mens Commonwealths as you (the Jesuits) do, neither will I rashly pronounce all that resist, to be Rebels: Cases may fall out even in Christian Kingdoms, where the People may plead their Right against their Prince, and not be charged with Rebellion. *Philander* the Jesuit asks, as when for Example? *Theophilus* the Christian replies thus. If a Prince should go about to subject his Kingdom to a foreign Realm, or change the Form of the Commonwealth from Impery to Tyranny, or neglect the Laws establish'd by common consent of Prince and People, to execute his own Pleasure; in these and other Cases, which might be named, if the Nobles and Commons join together to defend their ancient and accusom'd Liberty, Regiment and Laws, they may not well be accounted Rebels. This Book is said, in the Title Page, to have been perused and allowed by publick Authority; was written by a great Man, Dr. *Bilson* then Warden of *Winchester* College; printed at *Oxford* by the University Printer and dedicated to Q. Elizabeth, and the Author was afterwards made Bp. of *Winchester*. I could offer many other Authorities not from false Sons or perfidious Prelates of the Church, not from Men of Factions and Antimonarchical Principles in relation to the State, but venerable Names, Ornaments to the Ages they liv'd in, and such as will be remembered with Honour in succeeding ones: But I am superseded in producing, and your Lordships trouble sav'd in hearing more particular Quotations to this Purpose, by what is yielded by a Reverend Divine of great Parts and Learning, far enough from the Suspicion of being prejudic'd against the Rights of Princes, or partial to those of the People, I mean the Reverend Dean of *Carlisle*, who in a Latin Discourse preach'd and printed in this Town upon the Duty of Submission, stating some Cases of extreme Necessity, and putting the Question, Whether it may not be lawful for the People in such Cases to resist? answers, *Viri boni & graves, &c.* "That good and judicious Men, Men that have taken great and useful Pains in defending the Rights of Princes, and repressing popular

" License,

"License, have contended that it is Lawful: He adds indeed, "whether they have done Right or Wrong, let others judge, and does not give his own Opinion. But since he has granted, that such Men as he has described, Men of Probity and Judgment; zealous Assertors of the Rights of Princes, and Repressors of popular License, have contended that in Cases of extreme Necessity it is lawful for the People to defend themselves; I may comfort my self, if I err in my Opinion, that I err in good Company. But I humbly conceive I do not err, and that,

3. For this plain Reason, That if it be utterly unlawful to Resist in any Case whatsoever, even that of a total Subversion of the Constitution and Laws; then there is no distinction of Governments, of Absolute, I mean, and Limited; or if there be a distinction, it is a nominal one without any real difference; for what difference is there between a Prince's governing Arbitrarily without Law, and governing Arbitrarily against Law? Betwixt having no Laws at all, and having precarious Laws that depend intirely on the Will of the Prince, whether he will observe one of them or subvert them all, and if he does, the People cannot help themselves?

But, my Lords, I hope and believe that there is a real distinction of Governments, and that the Subjects of all Governments are not in the same wretched Condition that those of *France* and *Turkey* are in. I hope we have not boasted falsely or vainly of our own Form of Government, that we are blest'd with a Constitution more happy than any other Nation in the World enjoys, that allows and secures as great, and (I had almost said) God-like Powers and Prerogatives to the Crown as any wise and good Prince can desire, a Power of doing every thing that is Good and nothing that is Ill, and at the same time secures most valuable Rights and Privileges to the People.

What wise or good Prince would not rather chuse to reign over free Subjects, than tyrannize over Slaves? To receive a willing cheerful Obedience proceeding from the Principles of Gratitude, Love, and Interest as well as of Duty, rather than a forced one, owing meerly to a Principle of Fear, the Principle from whence the *Indians* worship the Evil Spirits?

My Lords, such a Frame of Government your Lordships have receiv'd from your Ancestors; and I hope and trust, that in grateful Respect to their Memory, and in tender Regard to your Posterity, [I say nothing of *our selves*, my Lords; for as for us who have the Happiness to live under the Government of the best of Princes that ever Heaven blest'd a Nation with; for us, I say, were our Government as Arbitrary as any in the *East*, yet I should think our Rights, Liberties, and Properties, and whatever is most dear and valuable to us, as safe as if they depended intirely upon Her Majesty's gracious Will, as they are now they are secured to us by our Laws, or stronger Fences, if they could be made] but I speak in regard to those that are to come after us; and I do hope and trust, that as your Lordships have receiv'd such an inestimable Treasure from your Predecessors, you will transmit inviolable to your Posterity.

My Lords, I fear I tire you, but I must beg your Patience a little longer, while I express my Surprise and Wonder that the Doctrine of *Passive Obedience* and *Non-Resistance*, in the unlimited Extent in which some explain it, is so diligently inculcated, and so zealously press'd at this time.

Passive Obedience, I own, when truly stated, is a truly Christian Duty, a perpetual Duty as to the Obligation, but occasional as to the Practice of it. Now Preachers do not usually, neglecting the pressing of other Duties of more constant Practice, lay out their Time and Labour in filling both Pages of their Discourses with earnest Assertions and violent Exhortations to the Practice of an occasional Duty, unless they have some near Prospect of an occasion for the Exercise of it. And yet, my Lords, has this one Duty been, of late, more frequently and earnestly asserted and urged both from Pulpit and Press, than all the other Duties of Christianity: And what occasion for this does any one pretend to have in view?

Can there be a Wretch so abandon'd, so lost to all Sense of Gratitude and every thing that is good, as to be capable of admitting a Thought, that our gracious Queen has done, is doing, or intending to do any thing, that may give her Subjects occasion for the Practice of this Duty? Has she not ever since her happy Accession to the Throne, postponed, sacrificed her own Repose and Ease to the Quiet and Happiness of her Subjects? Has she not clearly shown that She has nothing so much at Heart, as the Good and Prosperity of her People, the true Interest and Honour of her Kingdom which she has carried higher than any of her Royal Predecessors ever did before her? Has she not approv'd Her self a true Parent of her political Children, by exercising as prudent a Care of, and expressing on all Occasions as tender an Indulgence to them, as any natural Parents ever did towards theirs?

If then, there be no Occasion from the Conduct of our Prince, is there any Reason from the Behaviour of Her People that may justify this extraordinary and otherwise unreasonable Zeal for this Doctrine? Do they (excepting such as the Zealots for this

Doctrine

Doctrine have excited to disturb her peaceful Reign at home, by rebellious and dangerous Tumults and Insurrections,) shew any Uneasiness under Her Majesty's Government, or Inclinations to throw it off? Do they not bless their glorious Queen and God for her? Do they not on all Occasions express their grateful Sense of the many inestimable Blessings they enjoy through her Administration? Do not they constantly offer up their devout Prayers to God for her long Life and happy Reign? Do they not willingly pay their Taxes for the Support of her Government, cheerfully expend their Treasure and Blood too in Defence of it?

What then can be said for such a Conduct which can have no other natural Tendency than to create unreasonable Jealousies of her People in the Head of our Queen, and groundless Fears of their Queen in the Hearts of her People. Jealousies in the Queen, that her Subjects are inclinable to rebel against her, when the Clergy think it necessary thus to press these Restraints upon them; and Fears in the People, when their Pastors are so industriously preparing them for Sufferings?

My Lords, I would not be thought to charge upon all that hold and assert this Doctrine, the Consequences which I may with too much Reason charge upon some of them; I mean such as do not allow Her Majesty's Title to the Crown, but refuse to take the Oaths to Her, or join in Prayer for Her, and have upon that account form'd one of the most unaccountable Schisms that ever was made in the Church: Some of these have engaged zealously in asserting this Doctrine; and one of them in a Paper written in Vindication of it, has not been afraid to insinuate a Parallel between the Case of *Her Majesty and the Pretender*, and that of *Athaliah and Joash*.

Horrid Suggestion that would make one tremble! What do these Men mean? Any Service to Her Majesty? No: The Consequences as to them are plain. If to Resist upon any Occasion whatever, be unlawful, be Rebellion, damnable Rebellion; then the Revolution was Rebellion, and all that were concern'd in it are involv'd in that Guilt; then we have continued in a Rebellion ever since; then if we wou'd avoid Damnation, we must repent of that Sin; but there is no true Repentance without Restitution, and if there must be Restitution, they will tell you what that is.

I would charitably hope, that the unfortunate Person now in Judgment before your Lordships, did not intend to carry Matters so far: But I must say, his Doctrine as he has stated and managed it, under his Head of *False Brotherhood*, with relation to the State, does give too great a Handle for those that have such Views, to improve what he has said to their Purposes.

The Council for him, have labour'd to defend him against the Charge in this Article, by producing a great many Quotations out of the *Homilies, Statutes, and Writings* of Divines dead and living, wherein this Doctrine has been laid down generally. They all allow'd that Cases of extream Necessity were always excepted out of this general Doctrine; and that tho' the Exception was not express'd, yet it was always imply'd; and they allow'd farther, that the Case of the Revolution was a Case of such Necessity: But how did they apply this to the Case of their Client? Thus: They said, that those Divines whom they had quoted, were never found fault with for asserting the Doctrine in general Terms, not expressing but tacitly implying the Exception; Then they ask'd why should the Doctor be charged for asserting the Doctrine in general Terms as others had done, not expressing the Exception which they had not express'd? Why should not he be intitled to the favourable Construction of tacitly implying the Exception of Cases of Necessity, such a Necessity as they allow'd justify'd the Revolution?

Indeed I should readily have admitted the Plea, if the Doctor had done no more than barely assert the Doctrine in general Terms, and his only Fault had been that he had not express'd the Exception which he tacitly imply'd: But has he done no more than this? Has he not mention'd the Case of the Revolution, with no other View, as I can see, than to expose it, not as an Exception out of his general Position, but an Objection against it? Our Adversaries, says he, that is, those that oppose his general Doctrine, think they have us sure, i. e. effectually confute that Doctrine, by objecting the Revolution. This Objection must suppose that there was Resistance at the Revolution; for to say that the general Doctrine, that it is not lawful in any Case to resist, is not true, because the Revolution was lawful, in which there was no Resistance, would be a wonderful Objection indeed: I say, Resistance must be suppos'd in the Objection, to make Sense of it. How then does he solve this Objection? Does he say the general Doctrine always implies an Exception of Cases of Necessity? That the Revolution was a Case of such Necessity, and therefore that Necessity justify'd the Resistance at the Revolution? No, but by advancing a strange Position (which he proves by as strange a Medium) viz. *That there was no Resistance at the Revolution*: plainly implying, that if there was Resistance at the Revolution, which every Body knows there

was, the Revolution stands condemn'd by his general Doctrine. So that I cannot see that his learned Council, who wanted neither Abilities nor Inclinations to serve him, have at all defended him against the Charge in this Article. But this they have effectually done, they have given up his general Doctrine, if it admits of no Exceptions; and thereby clear'd the Revolution and the necessary means whereby it was brought about, from those black and odious Colours which he endeavour'd to cast upon them.

After all, I can truly appeal to my own Heart, and a greater than it, the Searcher of it, that I am not any ways prejudiced against the Person of the unhappy Prisoner, but rather in favour of him, as I am of all Men in his suffering Circumstances, by a natural Tendernefs (it may be a Weakness, but such a one as I cannot help) which never suffers me, however oblig'd in Justice to it, to do a hard thing to any one however deserving it, without doing at the same time a hard thing to my self: And if your Lordships should be of Opinion in the Conclusion of this Trial, That the Commons have made good their Charge against him, I am sure I could come into as easy a Sentence upon him as may be consistent with the Honour and Justice of your Proceedings, and with that which I take to be the chief End in all Punishments, not so much the hurting the Offender, as the preventing the like Offences, and hindring others from committing them for the future.

But still, my Lords, there is surely a Tendernefs and Compassion due to our Queen, our Country, and our Posterity, all which I humbly apprehend are highly concern'd in the Issue of this Affair.

If Clergy-men may with Impunity publicly in their Sermons arraign and condemn the Revolution: besides the Reflections they cast upon all the worthy Patriots that were concern'd in that great Work, the Commonalty, Gentry, and Nobility, Lords upon every Bench in this House; besides this, it must shake, it must sap the very Foundation of our present Establishment as it stands upon the Foot of the Revolution, and utterly destroy our future hopes in the Protestant Succession which is founded upon that bottom only.

My Lords, I must humbly ask Pardon for having trespass'd so long upon your Patience, and will conclude with this one Word, That in my Opinion, *these Practisings of Clergy-men (to use the Expression of a great and eminent Prelate) in State Matters, are of that dangerous Tendency and Consequence, that if there be not some effectual Stop put to these Practisings, these Practisings will, in time, put an effectual End to our Constitution.*

The Commons had therefore Reason to bring this Matter in Judgment before your Lordships, and I think they have fully made good their Charge in the first Article of their Impeachment against Dr. Sacheverell.

FINIS

